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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ORIGINAL

BY:

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DEPUTY

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UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF CALIFORNIA

'08 CV 0265 H LSP

YUE ZHOU, individually,

Case No.:

Agency File No. MSC0528415318

SCOTT M. CARTER, individually,

COMPLAINT FOR DECLARATORY
RELIEF IN THE NATURE OF MANDAMUS

PLAINTIFFS,

v.

EMILIO T. GONZALEZ, as Director of the
U.S Citizenship and Immigration Services,

MICHAEL CHERTOFF, as United States
Secretary of Homeland Security,

ROBERT MUELLER III, as Director of
Federal Bureau of Investigation,

DEFENDANTS.

INTRODUCTION

COME NOW Yue Zhou and Scott M. Carter, Plaintiffs in the above captioned case and
for cause of action would show unto the Court the following:

CR

2. This action seeks to compel the Department of Homeland Security ("DHS"), U.S. Citizenship and Immigration Services ("CIS"), to adjudicate Plaintiff Yue Zhou's Application to Adjust Status (Form I-485) ¹ which were filed concurrently with the immediate relative immigrant petition (Form I-130) ² filed by Ms. Zhou's United States citizen husband Mr. Scott M. Carter on July 6, 2005. The adjustment application has been pending for over two years now.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1361, the mandamus statute; 28 U.S.C. § 2201, the Declaratory Judgment Act; 28 U.S.C. § 1331, general federal question jurisdiction; and 5 U.S.C. § 702, the Administrative Procedure Act ("APA").

4. Venue lies properly with this Court pursuant to 28 U.S.C. § 1391(e) because this is a civil action in which the Defendants are employees or officers of the United States, acting in their official capacity, and an agency of the United States; because a substantial part of the events or omissions giving rise to the claim occurred in San Diego, California, in the Southern District of California; and because Plaintiffs reside in the Southern District of California and there is no real property involved in this action.

¹ Receipt notice for Ms. Zhou's I-485 adjustment application, Exhibit A, p.10

Receipt/notice for Ms. Zhou's I-405 adjustment application, Exhibit A, pp.10-11
 2 Receipt/approval notices for the I-130 immediate relative immigrant petition filed by Mr. Carter, Exhibit B, pp.11-12

1 5. Intradistrict Assignment: This action should be assigned to the San Diego
2 Division because a substantial part of the events and omissions giving rise to this claim occurred
3 within the jurisdiction of that division. See Local Rules 3-2(c), (d)
4

5
6 **PARTIES**

7 6. Plaintiff Scott M. Carter is a citizen of the United States. On July 6, 2005, he filed
8 family based I-130 petition on behalf of his alien wife, Yue Zhou as immediate relative (spouse)
9 of a U.S. Citizen.³ It has been more than two years since the petition was filed but the case
10 remains unresolved.
11

12 7. Plaintiff Yue Zhou is a citizen and national of the People's Republic of China.
13 Ms. Zhou currently resides in San Diego California with her husband Scott M. Carter who is a
14 US citizen. On July 6, 2005, Ms. Zhou filed I-485 application for adjustment of status as
15 immediate relative (spouse) of a U.S. citizen. Her application was filed concurrently with the I-
16 130 petition filed on her behalf by her U.S. citizen husband;⁴ More than two years have passed,
17 Ms. Zhou's adjustment application still can not be adjudicated because of a pending FBI check
18 on her background.⁵
19

20 8. Defendant Emilio T. Gonzalez is the Director of the U.S. Citizenship and
21 Immigration Services ("USCIS"), and this action is brought against him in his official capacity.
22 He is generally charged with the implementation of the Immigration & Nationality Act, and is
23 further authorized to delegate such powers and authority to subordinate employees of the USCIS.
24

25
26 ³ Receipt/Approval notices for I-130 petition, Exhibit B, pp.11-12

27 ⁴ Receipt notice for concurrently filed I-485 application, Exhibit A, p.10

28 ⁵ USCIS replies regarding pending FBI background check, Exhibit G, pp.23-27

1 More specifically, Mr. Gonzalez is responsible for the adjudication of applications for
2 adjustment of status under §245 of the Immigration and Nationality Act ("INA") as well as
3 adjudication of applications for naturalization under §335 of the Immigration and Nationality Act
4 ("INA").⁶

5 9. Defendant Michael Chertoff is sued in his official capacity as the Secretary of
6 DHS. In this capacity, he has responsibility for the administration and enforcement of the
7 immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of
8 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. § 1103.

10 10. Defendant Robert S. Mueller, III, is sued in his official capacity as Director of
11 Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security
12 clearances for other U.S. government agencies including National Name Check Program
13 ("NNCP") mandated by Executive Order 10450, such as the Department of State. As will be
14 shown, Defendant has failed to complete the security clearances of Plaintiff's case.
15

16
17
18 **FACTUAL ALLEGATIONS.**

19 11. In July of 2005, Plaintiff Mr. Scott M. Carter, a United States Citizen, filed I-130
20 family based immigrant petition on behalf of his alien wife Yue Zhou⁷ who concurrently filed I-
21 485 Applications for Adjustment of Status with USCIS National Benefits Center.⁸ See 8 U.S.C.
22 § 1151(b) (2).
23
24
25
26

27 ⁶ 8 U.S.C. §1255, 8 U.S.C. §1446

28 ⁷ Receipt/Approval Notices for Mr. Carter's I-130 immigrant petition for Ms. Zhou, Exhibit B, pp.11-12

⁸ Receipt Notice for Ms. Zhou's I-485 adjustment application, Exhibit A, p.10

12. Plaintiff Yue Zhou had her first fingerprints and biometrics processed on July 19, 2005. Her second fingerprint was taken on July 19, 2005.⁹ The Plaintiffs were subsequently interviewed by an adjudication officer at the USCIS San Diego District Office on August 29, 2005.¹⁰

13. After the interview, the interviewing officer did not request any other additional documentation. Ms. Zhou was told that she would receive her green card very soon.

14. For the past two years, plaintiffs have regularly checked Ms. Zhou's case/name check status with USCIS/FBI. They have also sought assistance from their Constituent representative.¹¹ However Ms. Zhou's adjustment case has made no progress. The USCIS and FBI's replies to Plaintiff's case/name check status inquiries remain the same that her case had been delayed because the required investigation on her background is still in process.¹²

15. The CIS website shows that as of January 15, 2008, the San Diego District Office was processing similar I-485 applications with receipt dates on or about July 19, 2007, Ms. Zhou's application filed in July 2005 has been significantly delayed.¹³

16. Plaintiff Ms. Zhou is harmed as a result of the agencies' delay in that while her application is pending, she is required to renew and pay for work authorization on an annual basis, in order to keep legal employment and driving privileges that are directly tied to the validity of her employment authorization.¹⁴ Any delay by the agency in extending Plaintiff's employment authorization will cause her to be suspended from work and lose driving privileges.

⁹ See replies to plaintiff's case/name check status inquiries and requests for assistance from FBI and Senator Feinstein's Office in Exhibit E, p.19 and Exhibit F, p.22

¹⁰ USCIS Interview Notice to Plaintiff Yue Zhou, Exhibit D, p. 16

¹¹ Letters from Senator Feinstein's Office in response to Plaintiff's request for assistance, Exhibit E, pp.17-19

¹² USCIS/FBI's similar replies to Plaintiff's case/name check status inquiries, Exhibits F-G, pp.20-27

¹³ USCIS San Diego Processing dates posted January 15, 2008, Exhibit H, p.28

¹⁴ Receipt notices for Ms. Zhou's I-765 Applications for Employments Authorization Document, Exhibit I, pp.29-31

1 17. Further more, during the pendency of her adjustment application, Ms. Zhou must
2 also apply and pay for special travel document called "advance parole" on an annual basis before
3 she can travel overseas. This foreign travel restriction has adversely affected the Plaintiff's
4 ability to visit family members overseas. Ms. Zhou was unable to timely visit her father when he
5 was sick and hospitalized in January 2008.¹⁵ The regulatory procedures have become a
6 considerable burden and have cost the plaintiff many work hours as the plaintiff has had to leave
7 work to do repetitive fingerprinting.¹⁶

9 18. Plaintiff Ms Zhou has been unable to obtain travel and work without restriction as
10 well as accrue time to be eligible for naturalization. Therefore, Defendants' unreasonable delay
11 in processing her name check and adjudicating her adjustment application has unlawfully
12 withheld from Ms Zhou the benefits of U.S. citizenship, such as the right to vote, to travel freely
13 in and out of the United States using a United States Passport and, to have jobs that are restricted
14 to the United States citizens or lawful permanent residents.

16 19. In addition, the recent arbitrary fee increase on July 31, 2007 also adversely
17 affected the plaintiffs as a direct result of the agency's delay in adjudication.

19 20. Plaintiffs believe their immigration cases have been mishandled by Defendants.
20 They have complied with the requirements of the law and regulations, but Ms Zhou's application
21 for adjustment of status remains pending for more than two years after the initial filing.

22 21. The Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §701
23 *et seq.*, have unlawfully withheld or unreasonably delayed actions on Ms Zhou's application and
24 have failed to carry out the adjudicative functions delegated to them by law with regard to
25 Plaintiff's case.

27
28 ¹⁵Evidence of Ms. Zhou's father's illness, Exhibit J, pp. 32-34

¹⁶ASC appointment notices for processing Ms. Zhou's fingerprint/biometrics, Exhibit C, pp.13-15

CAUSES OF ACTION,

**(VIOLATION OF IMMIGRATION AND NATIONALITY ACT AND
ADMINISTRATIVE PROCEDURES ACT)**

(MARRIAGE-BASED ADJUSTMENT OF STATUS APPLICATION)

22. Paragraphs 1 through 21 are incorporated herein.

23. Plaintiff Yue Zhou is the subject of an approved I-130 visa petition filed by his United States citizen spouse. Pursuant to 8 U.S.C. § 1151(b)(2), immigrant visas are immediately available to the spouses of United States citizens. Hence, pursuant to 8 U.S.C. § 1255(a), Plaintiff Ms. Zhou is eligible for adjustment to the status of a lawful permanent resident.

24. Plaintiff Yue Zhou has been eligible for adjustment of status since July 2005, for more than two years now. The USCIS San Diego district office is processing similar applications filed in July 2007. Plaintiff's application is clearly unreasonably delayed.

25. As a result of the aforesaid delay, Ms. Zhou was subjected to various employment and travel restrictions, which she would not have had suffered had the application been adjudicated in a reasonable and timely manner.

26. Mandamus is an appropriate remedy whenever a party demonstrates a clear right to have an action performed by a governmental official who refuses to act. Donovan v. United States, 580 F.2d 1203, 1208 (3d Cir. 1978). Defendants have refused to adjudicate Plaintiff's marriage-based application for adjustment of status. Defendants have responsibilities to act upon the application and have failed to do so in a reasonable time or manner. See e.g. Patel v. Reno 134 F.3d 929 (9th Cir. 1997). Defendants have thus violated the Immigration and Nationality Act.

27. Furthermore, while the statute does not provide a specific time frame within which an adjustment of status application must be processed, "[i]t is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days

1 after the initial filing of the application...." 8 U.S.C. § 1571(b); See Toor v. Still, 2007 WL
2 2028407, at *3 (N.D. Cal.)

3 28. Defendants have therefore, violated the Administrative Procedures Act ("APA"),
4 which provides that a reviewing court shall compel agency action unlawfully withheld or
5 unreasonably delayed. 5 U.S.C. § 706(1).
6

7 29. Plaintiffs have exhausted all other available remedies. They have "no other
8 adequate means to attain the relief" they desire. (Allied Chemical Corp. v. Daiflon, Inc. 449 U.S.
9 33, 35 (1980). Ms. Zhou's right to issuance of the writ is therefore "clear and indisputable."
10

11 **PRAYER**

12 30. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs
13 Ms Yue Zhou and Mr. Scott M. Carter respectfully pray that the Defendants be cited to appear
14 herein and that, upon due consideration, the Court enters an order:

- 15 (a) Requiring FBI to complete Plaintiff's name check within 30 days;
16 (b) Requiring USCIS to complete adjudication of Plaintiff's application for
17 adjustment of status within sixty days;
18 (c) Awarding Plaintiffs reasonable attorney's fees; and
19 (d) Granting such other relief at law and in equity as justice may require
20

21 Dated this 11th day of February 2007
22

23 Respectfully submitted,

24 

25 Daniel T. Huang, CBN 185948
26 Law Office of Daniel Huang
27 506 N. Garfield Ave., Ste. 100
28 Alhambra, CA 91802-1351

Zhou, et al v. Gonzalez et al, Case Number:

LIST OF ATTACHMENTS

<u>Exhibit</u>	<u>Description</u>
A	Receipt notice for Plaintiff Yue Zhou's I-485 Application, p. 10
B	Receipt/Approval notices for Plaintiff Scott M. Carter's I-130 petition for his alien wife Ms. Yue Zhou, pp. 11-12
C	ASC Appointment Notices for processing Ms. Zhou's Fingerprint/Biometrics, pp.13-15
D	USCIS' Adjustment Interview notice to Ms. Zhou, p.16
E	Letters from Senator Dianne Feinstein's Office in response to Plaintiff's request for assistance and informing her the result of their inquiry with FBI, pp.17-19
F	FBI's responses to Plaintiff's letters with regard to the processing status of her background check, pp. 20-22
G	Letters in response to Plaintiffs' status inquiries from USCIS San Diego and Customer Assistance Office, pp.23-27
H	USCIS San Diego Processing dates posted January 15, 2008, p. 28
I	Receipt notices for Plaintiff's I-765 Applications for Employment Authorization Document, pp. 29-31
J	Evidence of Ms. Zhou's father's illness (with English translation), pp.32-34

THE UNITED STATES OF AMERICA

Receipt Number: MSC-05-284-15318		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status
Received Date: July 06, 2005	Priority Date:	Applicant: ZHOU, YUE
Notice Date: July 13, 2005	Page 1 OF 1	ASC Code: 3

YUE ZHOU	Notice Type: Receipt Notice
	Amount Received: \$385.00

The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

FINGERPRINTING AND BIOMETRICS-

The next step is to have your fingerprints and biometrics taken at a BCIS Application Support Center (ASC).

Call our National Customer Service Center (NCSC) at 1-800-375-5283 to schedule your appointment. For TDD hearing impaired assistance, please call 1-800-767-1833.

It is important that you schedule your appointment. If you do not schedule or appear for your appointment, it could cause your application to be denied. If you need to reschedule your appointment, please call the NCSC at 1-800-375-5283.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from BCIS in relation to your current application for benefits.

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at www.BCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES

P.O. Box 648005

Lee's Summit, MO 64064

National Customer Service Center: 1-800-375-5283



Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

Receipt Number: MSC-05-284-15320		Case Type: I-130 - Petition for Alien Relative	
Received Date: July 06, 2005	Priority Date:	Petitioner: CARTER, SCOTT	
Notice Date: July 13, 2005	Page 1 OF 1	Beneficiary: ZHOU, YUE	
SCOTT CARTER		Notice Type: Receipt Notice Amount Received: \$185.00	

The above application/petition has been received. Please notify us immediately if any of the above information is incorrect. Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

If you have questions, you may call the BCIS National Customer Service Center at 1-800-375-5283. For TDD hearing impaired assistance, please call 1-800-767-1833.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at www.BCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U.S. BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES

P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



5109669

0002513383

HC70-HCC-RS8

60:5T 800Z/00/20

Exhibit B, Receipt Notice for I-130 immediate relative immigrant petition

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



RECEIPT NUMBER MSC-05-284-15320		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN
RECEIPT DATE July 13, 2005	PRIORITY DATE	PETITIONER CARTER, SCOTT M.
NOTICE DATE August 30, 2005	PAGE 1 of 1	BENEFICIARY ZHOU, YUE
SCOTT M. CARTER		Notice Type: Approval Notice Section: Husband or wife of U.S. Citizen, 201(b) INA

The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending adjustment of status application.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NATIONAL BENEFITS CENTER
BCIS - DHS
P.O. BOX #7216
CHICAGO IL 60680-7216
Customer Service Telephone: (800) 375-5283

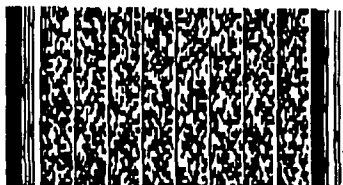



Exhibit B, Approval Notice for I-130 immediate relative immigrant petition

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice		APPLICATION NUMBER MSC0624320451	NOTICE DATE 6/9/2006
CASE TYPE 1765		SOCIAL SECURITY NUMBER	CODE 2
		TCR	SERVICE CENTER MSC
YUE ZHOU LA DRAFT 5384 CA 92132 BIOMETRICS PROCESSING STAMP ASC SITE CODE: <u>XSC</u> BIOMETRICS QA REVIEW BY: <u>[Signature]</u> ON <u>JUN 23 2006</u> TENPRINTS QA REVIEW BY: <u>[Signature]</u> ON <u> </u>			
To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.			
APPLICATION SUPPORT CENTER USCIS SAN MARCOS 727 W. SAN MARCOS BLVD. SUITE 101, 102 (106 temp) SAN MARCOS, CA 92069		DATE AND TIME OF APPOINTMENT 06/23/2006 1:00 PM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.			
REQUEST FOR RESCHEDULING Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN MARCOS, 727 W. SAN MARCOS BLVD., SUITE 101, 102 (106 temp), SAN MARCOS, CA 92069.			
APPLICATION NUMBER 1 1765 MSC0624320451  If you have any questions regarding this notice, please call 1-800-375-5283.			
WARNING! Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.			

Form I-797C (Rev. 01/31/05) N

Exhibit C, ASC Appointment Notice for processing Ms. Zhou's Fingerprint/Biometrics

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice		APPLICATION NUMBER MSC0625617309	MSC0624320451	NOTICE DATE 6/21/2006
CASE TYPE I765 I765		SOCIAL SECURITY NUMBER	USCIS AP	CODE 2
		TCR	SERVICE CENTER MSC	PAGE 1 of 1

YUE ZHOU

BIOMETRICS PROCESSING STAMP
A DR APT 5304
ASCS SITE CODE:
BIOMETRICS QA REVIEW BY:
ON JUL 06 2006
TENPRINTS QA REVIEW BY:
ON



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS SAN MARCOS 727 W. SAN MARCOS BLVD. SUITE 101, 102 (106 temp) SAN MARCOS, CA 92069	DATE AND TIME OF APPOINTMENT 07/06/2006 10:00 AM
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WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION:** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN MARCOS, 727 W. SAN MARCOS BLVD., SUITE 101, 102 (106 temp), SAN MARCOS, CA 92069.

APPLICATION NUMBER 1 I765 MSC0625617309	APPLICATION NUMBER 2 I765 MSC0624320451
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If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.


Form I-797 (Rev. 07/31/05)

Exhibit C, ASC Appointment Notice for processing Ms. Zhou's Fingerprint/Biometrics

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

ASC Appointment Notice		APPLICATION NUMBER MSC0724120704	NOTICE DATE 6/20/2007
CASE TYPE 1765		SOCIAL SECURITY NUMBER	USCIS AS CODE 2
BIOMETRICS PROCESSING STAMP		FCR	SERVICE CENTER MSC PAGE 1 of 1
YUE ZHOU	ASC SITE CODE: _____ BIOMETRICS QA REVIEW BY: _____ 02122 <u>1800M</u> ON <u>18</u> 2007 TENPRINTS QA REVIEW BY: _____ _____ ON _____		
<p>To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER		PLEASE READ THIS ENTIRE NOTICE CAREFULLY.	
USCIS SAN MARCOS 727 W. SAN MARCOS BLVD. SUITE 101, 102 (106 temp) SAN MARCOS, CA 92069		DATE AND TIME OF APPOINTMENT 07/18/2007 12:00 PM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken. <p>CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.</p>			
<p align="center">REQUEST FOR RESCHEDULING</p> <p><input type="checkbox"/> Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN MARCOS, 727 W. SAN MARCOS BLVD., SUITE 101, 102 (106 temp), SAN MARCOS, CA 92069</p>			
<p>APPLICATION NUMBER 1 1765 MSC0724120704</p>  <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p>			
<p align="center">WARNING!</p> <p><i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.</i></p> <p><i>If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.</i></p>			

Form I-797C (Rev. 01/21/06) N

Exhibit C, ASC Appointment Notice for processing Ms. Zhou's Fingerprint/Biometrics

Department of Homeland Security
U.S. Citizenship and Immigration Services

1-797C, Notice of Action



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW		NOTICE DATE July 29, 2005	
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS		AI	
APPLICATION NUMBER MSC0528415318	RECEIVED DATE July 06, 2005	PRIORITY DATE July 06, 2005	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS YUE ZHOU		PLEASE COME TO: U.S. Citizenship and Immigration Services 1261 3RD AVENUE SUITE A CHULA VISTA CA 91911 800 251-2456	
		1	
ON: Monday, August 29, 2005		AT: 02:45 PM	
You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485). Failure to appear may result in the denial of your application.			
Who should come with you?			
<ul style="list-style-type: none"> ■ If your eligibility is based on your marriage, your husband or wife <u>must</u> come with you to the interview. ■ If you do not speak English fluently, you should bring an interpreter who is neither a relative nor an interested party in your application. ■ Your attorney or authorized representative may come with you to the interview. 			
NOTE: Every adult who comes to the interview <u>must</u> bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.			
What <u>MUST</u> you bring?			
<ul style="list-style-type: none"> ■ Bring this Interview Notice. ■ Bring your Government-issued photo identification. ■ Bring all your Passports and <u>any</u> other documents, including your Arrival/Departure Document (Form I-94), used to enter the United States. ■ Bring your Birth Certificate. ■ Bring all documentation establishing your eligibility for Lawful Permanent Resident status (see below: "<u>What else should you bring?</u>"). ■ Bring all immigration-related documentation ever issued to you. ■ Bring both originals and photocopies of all supporting documents. Otherwise, we may keep your originals for our records. ■ Bring a certified English translation for each document not in English. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate. 			
What else should you bring?			
<ul style="list-style-type: none"> ■ Bring any Employment Authorization card or paper, and any Authorization for Advance Parole (Form I-512) ever issued to you. ■ Bring your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident status. ■ If you have children, bring a Birth Certificate for each of your children. ■ If you are married, bring your Marriage Certificate. ■ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring: <ul style="list-style-type: none"> ■ Your spouse's Birth Certificate and your spouse's evidence of United States Citizenship or Lawful Permanent Resident status; ■ If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage/former spouse; ■ Birth Certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you; ■ Supporting evidence of your relationship, such as joint financial statements, joint legal documents, joint insurance policies, and photos. ■ If you have not already submitted it, bring a completed medical examination (Form I-693) and vaccination supplement in a sealed envelope. ■ Bring your Federal Income Tax returns and W-2's, or certified IRS printouts, for the past 3 years. ■ If you are employed, bring letters from each of your current employers on company stationery, verifying your current rate of pay and average weekly hours, and bring your pay stubs for the past 2 months. ■ Bring completed Affidavit(s) of Support (Form I-864), with all required evidence, including the following for each of your sponsors: <ul style="list-style-type: none"> ■ Federal Income Tax returns and W-2's, or certified IRS printouts, for the past 3 years; ■ Letters from each current employer on company stationery, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months; ■ Evidence of United States Citizenship or Lawful Permanent Resident status. ■ If you have ever been arrested, for each arrest, bring the related Police Report and the original or certified Final Court Disposition, even if the charges have been dismissed or expunged. If no court record is available, furnish a letter from the court with jurisdiction indicating this. 			
PLEASE MAKE EVERY EFFORT TO KEEP YOUR APPOINTMENT, even if you do not have all the listed items. If an emergency, such as the hospitalization of a close relative, prevents you from appearing, call the Citizenship and Immigration Services (CIS) customer service as soon as possible. Please be advised that rescheduling will delay processing, may require some steps to be repeated, and will affect your eligibility for other immigration benefits while this application is pending.			
If you have questions, please call CIS customer service at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).			
APPLICANT COPY			

Form I-797C (Rev. 08/01/04) N

Exhibit D, USCIS' Adjustment Interview notice to Ms. Zhou

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION—CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

October 12, 2007

Mr. Yue Zhou

Dear Mr. Zhou:

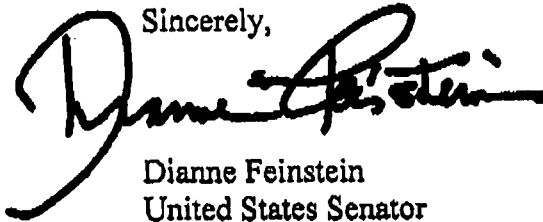
I am writing to let you know I have received a copy of the letter you wrote to United States Senator Hillary Rodham Clinton.

Due to the large volume of mail my office receives and Privacy Act restrictions, I do not take specific action on requests unless someone writes directly to me. Since your correspondence was addressed to Senator Clinton, the agency you wrote about will not be able to release information about your case to me.

If you would like me to act on your behalf, please write directly to my San Francisco office and outline specifically how I could help you.

With warmest personal regards.

Sincerely,



Dianne Feinstein
United States Senator

DF:rb

FRESNO OFFICE:
2500 TULARE STREET
SUITE 4290
FRESNO, CA 93721
(559) 435-7430

LOS ANGELES OFFICE:
11111 SANTA MONICA BOULEVARD
SUITE 915
LOS ANGELES, CA 90025
(310) 914-7300

SAN DIEGO OFFICE:
750 B STREET
SUITE 1030
SAN DIEGO, CA 92101
(619) 231-8713

SAN FRANCISCO OFFICE:
ONE POST STREET
SUITE 2450
SAN FRANCISCO, CA 94104
(415) 383-0707

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION—CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

November 16, 2007

Mr. Yue Zhou

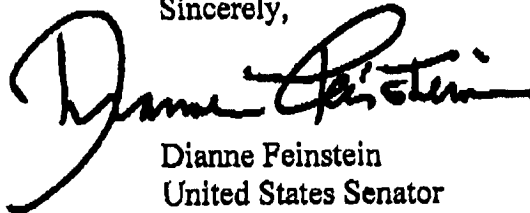
Dear Yue:

Thank you for contacting my office regarding your concerns with the status of your name check. I appreciate your bringing this to my attention and giving me an opportunity to see if my office can be of assistance.

I have asked Morgan Galli in my San Francisco office to assist you. Ms. Galli has contacted the Federal Bureau of Investigation on your behalf. You will hear back from my office when a response is received from the agency, which usually takes eight to ten weeks.

Again, thank you for contacting me. My San Francisco staff will do all they can to help you.

Sincerely,



Dianne Feinstein
United States Senator

DF:mg

FRESNO OFFICE:
2500 TULARE STREET
SUITE 4200
FRESNO, CA 93721
(559) 485-7430

LOS ANGELES OFFICE:
11111 SANTA MONICA BOULEVARD
SUITE 915
LOS ANGELES, CA 90025
(310) 914-7300

SAN DIEGO OFFICE:
750 B STREET
SUITE 1030
SAN DIEGO, CA 92101
(619) 231-8712

SAN FRANCISCO OFFICE:
ONE POST STREET
SUITE 2450
SAN FRANCISCO, CA 94104
(415) 393-0707

DIANNE FEINSTEIN
CALIFORNIA

United States Senate

WASHINGTON, DC 20510-0604

<http://feinstein.senate.gov>

January 25, 2008

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION—CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

Mr. Yue Zhou

Dear Mr. Zhou:

The Federal Bureau of Investigation has told me your name check, received on July 19, 2005, is still pending. There is no way to determine when the name check will be completed. If you haven't heard about the status of your case from USCIS within six months, please contact our office and we will make a follow up inquiry.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,



Morgan Galli
Constituent Services Representative

FRESNO OFFICE:
2500 TULARE STREET
SUITE 4250
FRESNO, CA 93721
(559) 485-7430

LOS ANGELES OFFICE:
11111 SANTA MONICA BOULEVARD
SUITE 915
LOS ANGELES, CA 90024
(310) 614-7300

SAN DIEGO OFFICE:
750 B STREET
SUITE 1030
SAN DIEGO, CA 92101
(619) 231-8712

SAN FRANCISCO OFFICE:
ONE POST STREET
SUITE 2450
SAN FRANCISCO, CA 94104
(415) 383-0707



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

August 28, 2007

Ms. Yue Zhou

Dear Ms. Zhou:

Your June 18, 2007, letter addressed to the FBI, Washington, D.C., with enclosure, concerning your background check for your I-485 application, was referred to the FBI's Criminal Justice Information Services (CJIS) Division, Clarksburg, West Virginia, for response to you.

As information, the U.S. Citizenship and Immigration Services (USCIS) submits both fingerprint check requests and name check requests to the FBI for immigration applicants. The FBI's CJIS Division responds to the fingerprint check requests, while the FBI's National Name Check Program (NNCP) responds to the name check requests. Our CJIS Division records show that we have transmitted your favorable fingerprint check response to USCIS on September 7, 2005. For information about the NNCP's process, please refer to the attached "FBI File Fact Sheet" and the printout from the NNCP's Web site.

Concerning the status of your case, the FBI is not the agency to respond to you. Once both FBI responses (CJIS and NNCP) are transmitted to the USCIS, that agency must also conclude other procedures before finalizing the background check. Therefore, the USCIS is the answering agency. The USCIS pays fees to the FBI to perform background check services for them. As the paying customer, the USCIS directs the priority of cases and determines which cases should be expedited. We regret that

Ms. Yue Zhou

we are unable to inform you of your status. We believe that your best recourse is to maintain contact with your local immigration office for any assistance they may provide. Your enclosure is returned.

Sincerely yours,

Kimberly J. Del Greco / dc
Kimberly J. Del Greco
Section Chief
Biometric Services Section
Criminal Justice Information
Services Division

Enclosures (3)



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

WH 607446

September 19, 2007

Ms. Yue Zhou

Dear Ms. Zhou:

Your letter directed to Mrs. George W. Bush concerning your name check status for immigration purposes, was forwarded to the Department of Justice and subsequently referred to the Federal Bureau of Investigation (FBI) for reply August 27, 2007.

A review of the FBI's Name Check Program database revealed that your request was received from the United States Citizenship and Immigration Services on July 19, 2005, and is currently in process.

The FBI processes millions of name check requests each year with each requiring thoughtful consideration. We know how important this information is to you; however, the FBI must also balance the need for national security in preparing the response to each of these requests. The FBI's homeland security mission requires that our name check process be primarily focused on an accurate and thorough result. While an exact date for completion of this review cannot be given, you may be assured that the results will be made available to the immigration authorities as quickly as possible.

I trust this information will be of assistance.

Sincerely,

Michael A. Cannon
Section Chief
National Name Check Program Section
Records Management Division

U.S. Department of Homeland Security
USCIS
880 Front Street, Room 1234
San Diego, CA 92101-8834



**U.S. Citizenship
and Immigration
Services**

Wednesday, August 30, 2006

YUE ZHOU

Dear YUE ZHOU:

On 08/25/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	Information not available
Receipt #:	MSC-05-284-15318
Beneficiary (If you filed for someone else):	ZHOU, YUE
Your USCIS Account Number (A-number):	
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 08-30-2006 06:57 PM EDT - MSC-05-284-15318

U.S. Department of Homeland Security
USCIS
880 Front Street, Room 1234
San Diego, CA 92101-8834



**U.S. Citizenship
and Immigration
Services**

Thursday, December 14, 2006

YUE ZHOU

Dear YUE ZHOU:

On 12/13/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	Information not available
Receipt #:	MSC-05-284-15318
Beneficiary (If you filed for someone else):	ZHOU, YUE
Your USCIS Account Number (A-number):	
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 12-14-2006 04:29 PM EST - MSC-05-284-15318

U.S. Department of Homeland Security
USCIS
880 Front Street, Room 1234
San Diego, CA 92101-8834



**U.S. Citizenship
and Immigration
Services**

Wednesday, March 14, 2007

YUE ZHOU

Dear yue zhou :

On 03/13/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	07/06/2005
Receipt #:	msc-05-284-15318
Beneficiary (If you filed for someone else):	zhou , yue
Your USCIS Account Number (A-number):	
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 03-14-2007 01:44 PM EDT - msc-05-284-15318

U.S. Department of Homeland Security
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

HQCIS 181/48.2-C

AUG 3 - 2007

Ms. Yue Zhou

Dear Ms. Zhou:

Thank you for your letter dated July 12, 2007, to Michael Chertoff, Secretary of the U.S. Department of Homeland Security. Your letter regarding the status of your case was forwarded to the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) for a response and assigned case # 702487.

We understand your concern that prompted you to write and appreciate your desire to resolve your immigration issue. We regret the length of time it has taken to process your Form I-485, Application to Register Permanent Residence or Adjust Status. Our records reflect that the processing of your case has been delayed because the required investigation into your background is still in process. Until the background investigation is completed, we cannot move forward on your case.

Please understand that these background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. Attached you will find two enclosures with detailed information regarding why the process exists, how it works, as well as the circumstances when the process can be expedited.

While an exact date for completion of your background check cannot be given at this time, we will make every effort to make a decision on this case as soon as the background checks are complete.

We appreciate your continued patience. If you need additional assistance and/or filing instructions, we invite you to contact the USCIS National Customer Service Center at 1-800-375-5283 or visit our web site at www.uscis.gov.

Sincerely,

Christine Gooding, Supervisor
Customer Assistance Office
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

Enclosures: Fact Sheet Immigration Security Checks - How and Why the Process Works
USCIS Update - USCIS Clarifies Criteria To Expedite FBI Name Check

U.S. Department of Homeland Security
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

HQCIS 181/48.2-C

OCT 2 2 2007

Mrs. Yue Zhou

Dear Mrs. Zhou:

Thank you for your letter of September 6, 2007, to Michael Chertoff, Secretary of the U.S. Department of Homeland Security, concerning the status of your pending Form I-485, Application to Register Permanent Residence or Adjust Status. Secretary Chertoff's office forwarded your letter to the U.S. Citizenship and Immigration Services (USCIS) Customer Assistance Office for a response. We have assigned it case #727173.

We understand your concern that caused you to write and your desire to resolve your pending Form I-485 application. We have researched your case to determine the status of your Form I-485. Our records reflect that the processing of your case has been delayed because the required investigation into your background is still in process. Until the background investigation is completed, we cannot move forward on your case.

Please understand that these background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. Attached, you will find two enclosures with detailed information regarding why the process exists, how it works, as well as the circumstances when the process can be expedited.

While an exact date for completion of your background check cannot be given at this time, we will make every effort to make a decision on this case as soon as the background checks are complete.

We appreciate your continued patience. If you need additional assistance or filing instructions, we invite you to contact the USCIS National Customer Service Center at 1-800-375-5283 or visit our web site at www.uscis.gov.

We trust that this information is helpful.

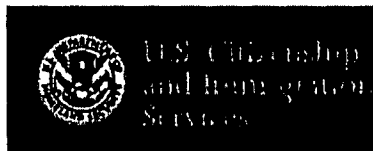
Sincerely,

A handwritten signature in black ink, appearing to read "Christine Gooding", is written over the typed name.

Christine Gooding, Supervisor
Customer Assistance Office
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

Enclosures: Fact Sheet, Immigration Security Checks - How and Why the Process Works
USCIS Update, USCIS Clarifies Criteria to Expedite FBI Name Check

www.uscis.gov


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U.S. Citizenship and Immigration Services San Diego CA Processing Dates Posted January 15, 2008

The processing times shown below are a tool for our customers to gauge our current processing times. When applications and petitions are completed within our target timeframes, that goal will be shown in the data display.

The processing times shown below are for applications that have just been completed. If you have just filed your application, these timeframes may not reflect how long your application will take to be completed. We encourage you to check this page periodically before inquiring about your case. The processing times are updated monthly.

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may be longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 16-18 months to process.

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our customer guide -

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

District Office Processing Dates for **San Diego CA** Posted January 15, 2008

Form	Form Name	Processing Timeframe:
I-131	Application for Travel Documents	October 17, 2007
I-485	Application to Register Permanent Residence or Adjust Status	July 19, 2007
I-600	Petition to Classify Orphan as an Immediate Relative	September 08, 2007
I-600A	Application for Advance Processing of Orphan Petition	September 08, 2007
I-765	Application for Employment Authorization	October 30, 2007
N-400	Application for Naturalization	June 19, 2007

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

Receipt Number: MSC-05-284-15321		Case Type: I-765 - Application for Employment Authorization Document
Received Date: July 06, 2005	Priority Date:	Applicant: ZHOU, YUE
Notice Date: July 13, 2005	Page 1 OF 1	ASC Code: 2
YUE ZHOU		Notice Type: Receipt Notice Amount Received: \$175.00

The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

BIOMETRICS-

The next step is to have your biometrics taken at a BCIS Application Support Center (ASC).

Call our National Customer Service Center (NCSC) at 1-800-375-5283 to schedule your appointment. For TDD hearing impaired assistance, please call 1-800-767-1833.

It is important that you schedule your appointment. If you do not schedule or appear for your appointment, it could cause your application to be denied. If you need to reschedule your appointment, please call the NCSC at 1-800-375-5283.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you. Please bring a copy of all receipt notices received from BCIS in relation to your current application for benefits.

DATE PROCESSING STAMP
X505
ADD SITE CODE:
BIOMETRICS QA REVIEW BY: 9/16/05
TENPRINTS QA REVIEW BY:

ON _____

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at www.BCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U.S. BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES

P.O. Box 648005

Lee's Summit, MO 64064

National Customer Service Center: 1-800-375-5283



5109669

0002513383

Form I-797C (Rev. 11/28/03) N

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Receipt Number: MSC-06-256-17309		Case Type: I-765 - Application for Employment Authorization Document
Received Date: June 09, 2006	Priority Date:	Applicant: ZHOU, YUE
Notice Date: June 15, 2006	Page 1 OF 1	ASC Code: 2

YUE ZHOU	Notice Type: Receipt Notice Amount Received: \$180.00
----------	--

The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

PLEASE NOTE-

USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT. You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

This receipt notice provides notification of the date that your application/petition was received by USCIS. This receipt notice does NOT grant any immigration status or benefit. You may not present this receipt notice as evidence that you have been granted any immigration status or benefit. In addition, this receipt notice does not constitute evidence that your application remains pending with USCIS (i.e., that a decision to grant or deny your application/petition has not yet been made). The current status of your application/petition must be verified with USCIS.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at www.USCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U. S. Citizenship and Immigration Services
P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



5191469

0003454443

Form I-797C (Rev. 01/01/05) XI

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

Receipt Number: MSC-07-241-20704		Case Type: I-765 - Application for Employment Authorization Document
Received Date: May 28, 2007	Priority Date:	Applicant: ZHOU, YUE
Notice Date: May 31, 2007	Page 1 OF 1	ASC Code: 2

YUE ZHOU	Notice Type: Receipt Notice
	Amount Received: \$180.00

The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

PLEASE NOTE-

USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT. You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

WHAT TO BRING TO Your appointment -

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- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.

CASE STATUS-

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

This receipt notice provides notification of the date that your application/petition was received by USCIS. This receipt notice does NOT grant any immigration status or benefit. You may not present this receipt notice as evidence that you have been granted any immigration status or benefit. In addition, this receipt notice does not constitute evidence that your application remains pending with USCIS (i.e., that a decision to grant or deny your application/petition has not yet been made). The current status of your application/petition must be verified with USCIS.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at www.USCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U. S. Citizenship and Immigration Services
P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



5272851

0527285103

Form I-797C (Rev. 01/21/05) M

Exhibit I, Receipt notice for Ms. Zhou's I-765 Application for Employment Authorization Document

(Translation)

Document 1:

Hospitalization Expense Receipt for Hunan Province Medical & Health Work Unit

Admission No.: Z200801020006

XiangCai TongZi (2005) 00843793

Sickroom: Sickroom 6		Sickbed No.: 81		January 23, 2008	
Name: Zhou Dahai		Date hospitalized: 2008-01-02 to 2008-01-17		15 days total	
Items	Amount	Items	Amount	Items	Amount
Bed	180.00	Operation	0.00	Western Medicine	2571.51
Diagnosis	90.00	Laboratory Exam	1236.00	Traditional Chinese Medicine	0.00
Physical Exam	1300.00	Material	3.43	Chinese herbal medicine	0.00
Treatment	332.00	Miscellaneous	0.00	Blood transfusion	0.00
Nursing care	134.00	Self-borne	2434.74	Unified plan paid	3412.20
Total Amount (Capital): Two Thousand Thirty-four Dollars Seventy-four cents				¥ 2343.74	
Collected in advance (Capital): Two Thousand				¥ 2000.00	
Deferred : ¥ 43474		Refunded: ¥ 0.00		Debt: ¥	
Fee collecting unit (Seal)		Verification:		Fee Collector: Xiao Gaodong	

Exhibit J, Evidence of Ms. Zhou's father's illness (English translation)

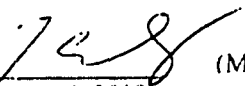
Document 2:

Changsha Municipal No. 3 Hospital Disease Diagnosis Certificate

Name	Zhou Dahai	Sex	Male	Female	Outpatient	No.
		Age	62 years old		Inpatient	
Diagnosis: <ol style="list-style-type: none"> 1. Hypertension level 3, extremely highly dangerous 2. High lipemia 3. Cervical Arteriosclerosis on both sides 4. Both lower limbs Arteriosclerosis with artery spots on front leg 5. Fatty liver 6. Hypertrophy of prostate 7. Low resonance of bladder back wall, with tuberosity to be checked 						
Treatment: Lower pressure, relax heart and diffuse fat						
Suggestion: <ol style="list-style-type: none"> 1. Low salt, low fat diet 2. Keep taking medicine 3. Regular check-up and diagnosis 						
Cardiology internist		Signature		(Seale)	January 19, 2008	

Certification

I am fluent in both the Chinese and English languages and, I am competent to translate Chinese into English. I swear under penalty of perjury that the above is a true and accurate English translation of the attached Chinese original to the best of my knowledge.

Signature  (May Zeng)
 Date: February 6, 2008

湖南省医疗卫生单位住院医药费收据

日期: 2008年12月06日

单据号: 00843793

2008年12月06日

病室: 101

床号: 10

姓名:	住院号:	日期:	共收:
项目:	金额:	项目:	金额:
床位费	10.00	护理费	15.00
诊查费	10.00	中成药	0.00
检查费	10.00	中草药	10.00
治疗费	10.00	其他	0.00
护理费	10.00	自费	5412.20
合计(大写):		Y	5432.20
已预收(大写):		Y	2000.00
补收: Y		退款: Y	
收款单位(盖章):	审核:	收款人:	

长沙市中心医院诊断证明书

姓名: 周大海

性别: 男

年龄: 62岁

职业: 退休

住址: 长沙市天心区

诊断: 1. 高血压3级极高危 2. 高脂血症 3. 双侧颈动脉粥样硬化 4. 双下肢动脉硬化 5. 糖尿病 6. 前列腺增生 7. 胆囊结石 8. 冠心病 9. 慢性支气管炎 10. 轻度脑梗死

建议: 1. 继续服用降脂药 2. 定期复查血脂 3. 注意休息

医师: 周大海

日期: 2008年12月06日

Exhibit J, Evidence of Ms. Zhou's father's illness (Chinese original)

ORIGINAL

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Yue Zhou, individually,
Scott M. Carter, individually.

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Daniel T. Huang, CA Bar 185948
506 N. Garfield Ave., Ste. 100, Alhambra, CA 91801 626-289-0006

DEFENDANTS EMILIO T. GONZALEZ, as Director of the U.S. Citizenship and Immigration Services, MICHAEL CHERTOFF, as United States Secretary of Homeland Security, ROBERT MUELLER III, as Director of Federal Bureau of Investigation

County of Residence of First Listed Defendant SAN DIEGO COUNTY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office, San Diego County Office
880 Front Street, Room 6293, San Diego, California 92101-8893

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Declaratory Judgment Act, 28 U.S.C. §1361, Administrative Act, 5 U.S.C. §701 et seq.

Brief description of cause:

Defendants have unreasonably delayed Plaintiff's adjustment application.

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/11/2008

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

147566

AMOUNT

\$350

2/12/08

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

147566 - BH
* * C O P Y * *
February 12, 2008
16:37:44

Civ Fil Non-Pris

USAO #: 08CV0265 CIVIL FILING

Judge.: MARILYN L HUFF

Amount.: \$350.00 CK

Check#: BC# 3310

Total-> \$350.00

FROM: ZHOU V. GONZALEZ ET AL
CIVIL FILING